

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HUNTINGTON NATIONAL BANK,

Case No. 1:02-CV-572

Plaintiff,

v.

Hon. Richard Alan Enslen

KENNETH VANDENBERG,
LISA VANDENBERG,
MICHAEL ANDREW MC CANN,
and ALL SPORTS ADMINISTRATIVE
PROGRAMS, INC.,

Defendant.

JUDGMENT

Whereas Plaintiff Huntington National Bank and Defendant Kenneth Vandenberg entered into an Agreement to Settle Claims against Defendants Kenneth Vandenberg and All Sports Administrative Programs, Inc. (Dkt. No. 374, Ex. 1), which agreement allowed the dismissal of claims against Defendant Vandenberg in exchange for the execution of a schedule of payments;

Whereas the Agreement to Settle Claims at ¶ 4 provided that default in payment by Vandenberg would result in both the unpaid balance of the Agreement and liquidated damages in the amount of \$20,000 becoming due and payable to Plaintiff, upon proof of the default, Defendant's receipt of notice of the default, Defendant's failure to timely cure the default, and the balance of the defaulted payments;

Whereas the Agreement to Settle Claims at ¶ 4 and Order Approving Stipulation to Settle Claims retained the District Court's jurisdiction to enforce the terms of the Agreement;

Whereas Defendant Kenneth Vandenberg is in default of the Agreement to Settle Claims by virtue of his failure to make \$20,000 payments scheduled for November 15, 2006 and May 15, 2007 and the September 1, 2007 installment payment of \$10,000;

Whereas Defendant Kenneth Vandenberg has received notice of the default and has failed to timely cure the default;

Whereas the liquidated payment of \$20,000 is now due under the Agreement, and the total of defaulted payments plus the liquidated damages equals the sum of \$70,000; and,

Whereas Defendant's Response to the Motion admits the default, the receipt of notice, and the failure to timely cure the default;

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Huntington National Bank's Motion to Set Aside Dismissal and Enter Judgment (Dkt. No. 374) is **GRANTED** and the Order Approving Stipulation to Settle Claims (Dkt. No. 369) is **SET ASIDE** as to Defendant Kenneth Vandenberg only as provided in paragraph 4 of the Agreement to Settle Claims.

IT IS FURTHER ORDERED that Judgment is entered in favor of Plaintiff Huntington National Bank and against Defendant Kenneth Vandenberg in the amount of \$70,000, with interest as provided by law.

DATED in Kalamazoo, MI:
December 13, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE